

REMARKS

Claims 1-56 are pending in the current application. Claims 1-16, 21, 22, 27, 28, 34, 38, and 45-50 are amended.

Objection to Specification

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter. With respect to this rejection the Examiner specifically references claims 16, 27, 28, and 45-59.

Although Applicants do not necessarily agree with the Examiner's objections, Applicants respectfully submit, claims 16, 27, 28, and 45-59 have been amended to address the Examiner's objections.

Therefore, Applicants respectfully request the objection to the specification be removed.

Claim Rejections – 35 U.S.C. § 112

Claims 1-7, 8-14, 16, 21, 27-28, 34, 38, 45-49 and 50 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omissions amounting to a gap between the necessary structural connections, and for being indefinite.

Although Applicants do not necessarily agree with the Examiner's rejections, Applicants respectfully submit, claims 1-7, 8-14, 16, 21, 27-28, 34, 38, 45-49 and 50 have each been amended and clearly meet the requirements of 35 U.S.C. §112, second paragraph.

Therefore, Applicants respectfully request the rejection of claims 1-7, 8-14, 16, 21, 27-28, 34, 38, 45-49 and 50 under 35 U.S.C. §112 be withdrawn.

Claim Rejections – 35 U.S.C. § 101

Claims 2 and 9 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Although Applicants do not necessarily agree with the Examiner's rejections, Applicants respectfully submit, claims 2 and 9 have each been amended and meet the requirements of 35 U.S.C. §101.

Therefore, Applicants respectfully request the rejection of claims 2 and 9 under 35 U.S.C. §101 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7, 8-14, 15-22, 25-44, and 51-56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Townsend (US 6,374,358, hereinafter "Townsend"). Applicants respectfully submit Townsend fails to teach each of the limitations of claim 1 as is required to support a rejection under §102.

Claims 1-14 and 53-56

Claim 1 has been amended and now recites "the data management system being configured to receive data relating to risks, opportunities and factors for each of a plurality of non-overlapping units of the corporation and to quantify expectations, uncertainties, and correlations associated with the received risks, opportunities, and factors, the plurality of non-overlapping units being partitions of the corporation". Townsend fails to teach such a data management system.

On page 10 of the February 1, 2008 Office Action, the Examiner references the following passage from Townsend as teaching a means for partitioning the corporation into non-overlapping units:

If, for example, the application is used to access bank account data or make large payments, the organization may want to employ added security protections such as formalized configuration management, compartmentalizing data, special audit procedures, or requiring a minimum of two people acknowledge changes to the application code. (Townsend: col. 7, ln. 55-60).

However, the Examiner has not specified what in Townsend constitutes non-overlapping units and nothing in the aforementioned passage mentions a plurality of non-overlapping units. Accordingly, the Examiner has failed to show where Townsend teaches a data management system configured to receive data relating to risks, opportunities and factors for each of a plurality of non-overlapping units as is required to support a rejection of claim 1 under §102.

Next, On page 10 of the February 2, 2008 Office Action, the Examiner references column 8, lines 52-57; and column 9, lines 18-20 as teaching a means for quantifying expectations, uncertainties, and correlations associated with specified risks. The aforementioned passages from Townsend disclose a computer system 700 which may provide information from multiple remote resources in response to a processor 704; and computer readable media that may carry one or more sequences of instructions to a processor 704. However, nothing in either of the passages mentioned by the Examiner disclose anything that quantifies expectations, uncertainties, and correlations associated with specified risks. Specifically, nothing in Townsend appears to disclose any device or system which deals with uncertainties. Accordingly, the Examiner has failed to show where Townsend teaches a data management system configured to quantify expectations, uncertainties, and correlations associated with received risks, opportunities, and factors, as is required to support a rejection of claim 1 under §102.

For at least the reasons stated above, Townsend fails to teach each of the elements in claim 1 as is required to support a rejection under §102.

Further, although each claim should be interpreted solely based upon its own limitation, claims 8, 53 and 55 contain limitations somewhat similar to those in claim 1. Consequently, at least by virtue of their similarity to claim 1, Townsend fails to teach each of the elements in any of claims 8, 53 and 55, as is required to support a rejection under §102.

Additionally, claims 2-7 depend from claim 1; claims 9-14 depend from claim 8; claim 54 depends from claim 53; and claim 56 depends from claim 55. Consequently, at least by virtue of their dependency from claims 1, 8, 53 and 55, Townsend fails to teach each of the elements in any of claims 2-7, 9-14, 54 and 56 as is required to support a rejection under §102.

Claims 15-22, 25-44, 51 and 52

Applicants respectfully submit, Townsend fails to teach each of the limitations of claim 15. Claim 15 recites “selecting a partition of the corporation into non-overlapping units”. On page 13 of the February 2, 2008 Office Action, the Examiner references state 100 in FIG. 1; and column 3, lines 1-15, both from Townsend, as teaching the aforementioned limitation from claim 15. Column 3, lines 1-9 of Townsend state the following:

The set C of business concerns include specific consequences against which an organization would like to protect its application assets including, for example, loss of market share, system outage or unavailability, loss of property, and damage to reputation. The actual types of business concerns may vary depending in part on the activities of the organization being evaluated.

Applicants assume the Examiner is reading the “corporation” and the “non-overlapping units” from claim 15 on the organization and business concerns disclosed by Townsend, respectively. However, as the aforementioned passage of Townsend states, the business concerns are possible consequences from which an organization would like to protect their assets. Thus, the business concerns are merely possible events. The business concerns cannot, themselves, be partitions of the organization as claim 1 requires. Accordingly, Townsend cannot teach “selecting a partition of the corporation into non-overlapping units” as is required to support a rejection of claim 15 under §102.

Further, claim 15 recites: “entering data into a data management system relating to risks, opportunities, and factors for said non-overlapping units, including data relating to quantifications of expectations, uncertainties, and correlations associated with the risks, opportunities, and factors”. With respect to this limitation from claim 15, on page 13 of the February 1, 2008 Office Action, the Examiner references column 3, lines 36-45 of Townsend which describe a process of gathering information by methods including using a questionnaire for organization personnel. However, nothing in the aforementioned passage from Townsend mentions data relating to uncertainties as claim 15 requires.

For at least the reasons stated above, Townsend fails to teach each of the elements of claim 15 as is required to support a rejection under §102.

Next, although claim 16 should be interpreted solely upon its own limitations, claim 16 contains limitations somewhat similar to those of claim 15. Consequently, at least by virtue of its similarity to claim 15, Townsend fails to teach each of the limitations of claim 16 as is required to support a rejection under §102.

Further, claims 17-22, 25-44, 51 and 52 depend from claims 15 and 16. Accordingly, at least by virtue of their dependence from claims 15 and 16, Townsend fails to teach each of the limitations in any of claims 17-22, 25-44, 51 and 52 as is required to

support a rejection under §102.

Therefore Applicants respectfully request the rejection of claims 1-22, 25-44, and 51-56 under 35 U.S.C. § 102 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 23-24 and 45-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend.

The deficiencies of Townsend are discussed above and are relevant here because claims 23-24 and 45-50 depend from claims 15 and 16. For at least the reasons stated above, Townsend fails to teach each of the elements in either of claims 15 and 16. Accordingly, at least by virtue of their dependence from claim 15 and 16, Townsend cannot teach or suggest each of the limitations in any of claims 23-24 and 45-50 as is required to support a rejection under §103.

Therefore Applicants respectfully request the rejection of claims 1-22, 25-44, and 51-56 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-56 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1050.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JHA
DJD/JHA: tlt